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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 LEVI SOLITAIRE,

6 Petitioner,

7 v.

8 UNITED STATES OF AMERICA,

9 Respondent.

CASE NO. C12-5083BHS

ORDER DENYING MOTION
TO APPOINT COUNSEL

10 This matter comes before the Court on Petitioner Levi Solitaire's ("Solitaire")
11 motion to appoint counsel (Dkt. 5).

12 Under 28 U.S.C. § 1915(e)(1), the court may request an attorney to represent any
13 person unable to afford counsel. Under Section 1915, the court may appoint counsel in
14 exceptional circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To
15 find exceptional circumstances, the court must evaluate the likelihood of success on the
16 merits and the ability of the petitioner to articulate the claims pro se in light of the
17 complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir.
18 1983).

19 In this case, Solitaire has failed to show exceptional circumstances exist. At this
20 stage he can articulate his basic claims for breach of the plea agreement and ineffective
21 assistance of counsel. *See* Dkt. 1. Therefore, it is hereby **ORDERED** that his motion to
22 appoint counsel (Dkt. 6) is **DENIED**.

23 DATED this 6th day of March, 2012.

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27 BENJAMIN H. SETTLE
28 United States District Judge